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December 3, 2015

Via Facsimile

Chambers of Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007
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**Re: Metropolitan Life Insurance Company v.
Sicoli and Massaro Inc. Pension Trust, et al.
Case No. 1:15-cv-07141**

Dear Hon. Gardephe:

The undersigned are attorneys for Plaintiff Metropolitan Life Insurance Company (“MetLife”) and Defendant Sicoli and Massaro Inc. Pension Trust (“SMI”), respectively, in the above named action. This case is set for a pretrial conference on December 17, 2015 at 10:15 a.m. On October 5, 2015, Defendant filed a pre-motion letter declaring an intent to file a motion to dismiss or alternatively to transfer venue. Pursuant to this Court’s rules for civil cases, a pre-motion conference is required.

With the permission of this Court, counsel for Plaintiff and Defendant hereby agree to hold the required pre-motion conference at the scheduled calendar time on December 17, 2015 at 10:15 a.m., and to adjourn the pretrial conference pending the result of the pre-motion conference.

Additionally, with the permission of this Court, counsel for Plaintiff agrees to permit counsel for Defendant to telephone into pre-motion conferences. Defendant’s counsel—which is based in Buffalo, New York—requests this accommodation as a result of distance constraints.

Chambers of Hon. Paul G. Gardephe
United States District Court
December 10, 2015
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Please feel free to contact us if you have any questions or would like to discuss this matter further.

Very truly yours,

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